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June 24, 2005

**VIA CM/ECF & HAND DELIVERY**

The Honorable Sue L. Robinson  
J. Caleb Boggs Federal Building  
844 N. King Street, Room 6124  
Lockbox 31  
Wilmington, DE 19801

***Re: Lancaster Composite v. Hardcore Composite and Scott Hemphill  
Civil Action No. 04-1414 (SLR)***

Dear Judge Robinson:

In preparation for the discovery status conference on June 27, 2005, we hereby provide the Court with the status of discovery.

- Contrary to the requirements of Federal Rule of Civil Procedure 26(a)(1) and D.Del.L.R. 16.2, and contrary to this Court's Order of February 24, 2005, Defendant W. Scott Hemphill has not yet provided his "Initial Disclosures." In letters dated April 20, 2005 and May 18, 2005, counsel for Lancaster Composite reminded Mr. Hemphill of his disclosure obligations and requested immediate production of the Rule 26 disclosures. Mr. Hemphill did not respond.
- Under cover letter dated May 24, 2005, Lancaster Composite served upon Mr. Hemphill Interrogatories and a Request for Production of Documents. Although Mr. Hemphill's responses are not technically due until June 27, 2005, Lancaster Composite has received no information or documents from Mr. Hemphill, nor any indication that Mr. Hemphill will timely respond to the outstanding discovery requests.

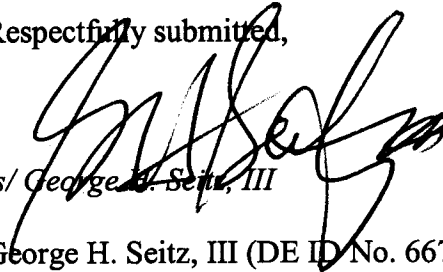
Since all discovery is to be completed by October 1, 2005, and given that additional discovery including numerous depositions will need to follow Mr. Hemphill's responses to the outstanding discovery requests, Lancaster Composite requests that the Court impose a date

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within the next week to ten days, requiring Mr. Hemphill to comply with all discovery requests, and, upon his failure to do so, face sanctions from this Court.

Thank you for your attention to this matter.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'G. H. Seitz, III', written over the typed name.

/s/ George H. Seitz, III

George H. Seitz, III (DE ID No. 667)

GHS/sp

cc: Clerk of Court (Via CM/ECF & Hand Delivery)  
George C. Werner, Jr., Esquire (Via E-Mail)  
Salvatore Anastasi, Esquire (Via E-Mail)  
Mr. W. Scott Hemphill (Via E-Mail)